

**RESULTS OF INVESTIGATION:** Examination of 24 thermometers revealed that 7 thermometers failed to comply with the requirement for accuracy specified in CS1-52 issued by the National Bureau of Standards of the Department of Commerce when tested as described in CS1-52.

**LIBELED:** 10-13-55, E. Dist. Va.

**CHARGE:** 501 (c)—the quality of the article, when shipped, fell below that which it purported and was represented to possess; and 502 (a)—the following statements in the labeling accompanying the article, when shipped, were false and misleading since they were contrary to fact: "We, the undersigned manufacturers, hereby certify that this registering clinical thermometer has been tested and found to meet all the requirements and tests specified in Commercial Standard CS1-52, as developed by the trade under the procedure of the Commodity Standards Division, and issued by the United States Department of Commerce."

**DISPOSITION:** 1-4-56. Default—destruction.

**4944. Clinical thermometers.** (F. D. C. No. 38415. S. No. 29-817 M.)

**QUANTITY:** 204 *clinical thermometers* at Newark, N. J.

**SHIPPED:** 6-28-55, from New York, N. Y., by Emrose Thermometer Co.

**LABEL IN PART:** (Envelope) "Style Oral Stubby Emrose 'Medik-Aid' A Tested Clinical Thermometer \* \* \* Accurate."

**LIBELED:** 9-7-55, Dist. N. J.

**CHARGE:** 501 (c)—the quality of the article, when shipped, fell below that which it purported and was represented to possess; and 502 (a)—the statements in the labeling of the article, namely, "We, the undersigned distributors hereby certify that this registering Clinical Thermometer marked E M has been examined and tested and found to meet all the requirements and tests specified in commercial standard, CS1-52," were false and misleading as applied to the article, which failed to meet the test for accuracy laid down in Commercial Standard CS1-52, issued by the United States Department of Commerce.

**DISPOSITION:** 10-11-55. Default—destruction.

**4945. Clinical thermometers.** (F. D. C. No. 38496. S. No. 29-999 M.)

**QUANTITY:** 189 *clinical thermometers* at Perth Amboy, N. J.

**SHIPPED:** 7-6-55 and 8-22-55, from Brooklyn, N. Y., by the Cardinal Thermometer Co.

**LABEL IN PART:** (Box) "Cardinal Fever Thermometer Kind — Stubby."

**ACCOMPANYING LABELING:** Leaflet entitled "Certificate of Accuracy For Clinical Thermometer."

**RESULTS OF INVESTIGATION:** Examination of 24 thermometers revealed that 4 thermometers failed to comply with the requirement for accuracy specified in CS1-52 issued by the National Bureau of Standards of the Department of Commerce when tested as described in CS1-52.

**LIBELED:** 10-13-55, Dist. N. J.

**CHARGE:** 501 (c)—the quality of the article, when shipped, fell below that which it purported and was represented to possess; and 502 (a)—the following statements in the labeling accompanying the article, when shipped, were false and misleading since they were contrary to fact: "We, the undersigned

manufacturers, hereby certify that this registering clinical thermometer has been tested and found to meet all the requirements and tests specified in Commercial Standard CS1-52, as developed by the trade under the procedure of the Commodity Standards Division, and issued by the United States Department of Commerce."

DISPOSITION: 11-17-55. Default—destruction.

## DRUGS AND DEVICES ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS

### DRUGS FOR HUMAN USE\*

**4946. Powdered extract of *Veratrum viride* and fluidextract of belladonna root.**  
(F. D. C. No. 35199. S. Nos. 38-064 L, 38-066 L.)

INFORMATION FILED: 12-3-53, Dist. N. J., against Meer Corp., North Bergen, N. J., and Ellis Meer, president of the corporation.

SHIPPED: 10-18-52 and 1-26-53, from New Jersey to New York.

LABEL IN PART: (Drum) "20 Pounds Net Powdered Extract *Veratrum Viride* Poison each 100 grams of extract contains 5 grams of the total alkaloids of *Veratrum Viride* \* \* \* Meer Corporation 318 West 46th Street New York"; (btl.) "One Pint Fluid Extract Belladonna Root N. F. IX \* \* \* Meer Corporation 318 West 46th Street New York 36, N. Y."

CHARGE: 502 (a)—(*Veratrum viride*) the statement on the label of the article, when shipped, "each 100 grams of extract contains 5 grams of the total alkaloids of *Veratrum Viride*" was false and misleading in that each 100 grams of the article contained less than 5 grams of the total alkaloids of *Veratrum viride*; and (*belladonna root*) the statement on the label of the article, when shipped, "Fluid Extract Belladonna Root N. F. IX" was false and misleading in that the article did not conform to the requirements for "Belladonna Root Fluidextract," as specified in the 9th Edition of the National Formulary, an official compendium, since it yielded from each 100 cc. less than 405 milligrams of the alkaloids of *belladonna root*.

PLEA: Corporation—guilty to count of information relating to *fluidextract of belladonna root*; individual—nolo contendere to two counts of information relating to both articles.

DISPOSITION: 5-13-55. Each defendant fined \$500.

**4947. Keystone liniment and Keystone Blood & Kidney Remedy.** (F. D. C. No. 37295. S. Nos. 64-763/4 L.)

QUANTITY: 6 1-pt. btls. of *Keystone liniment* and 10 1-pt. btls. of *Keystone Blood & Kidney Remedy* at Seattle, Wash.

SHIPPED: 6-29-54 and 9-8-54, from Portland, Oreg., by Keystone Laboratories.

LABEL IN PART: (Btl.) "Forward Club \* \* \* Keystone Liniment—For Man or Beast Ingredients: Herbs and Organic Minerals External Use Only" and "Forward Club \* \* \* Keystone Blood & Kidney Remedy Ingredients: Herbs And Organic Minerals Dose: Internal, One Ounce A Day."

ACCOMPANYING LABELING: Labels for the "Keystone Blood & Kidney Remedy," booklets designated "Forward Ecclesiastic \* \* \* Volume 3 1954 Number 39," and leaflets designated "Copy Of A Letter From A Member Written July 9, 1954."

\*See also Nos. 4921, 4922, 4928, 4929, 4934-4939, 4941, 4943-4945.